

April 11, 2012

## UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker  
Clerk of Court

## TENTH CIRCUIT

TAVIS McARTHUR,

Plaintiff-Appellant,

v.

STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY,

Defendant-Appellee.

No. 09-4239

(D.C. No. 2:09-CV-00416-TS)  
(D. Utah)

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ORDER AND JUDGMENT\*

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Before **BRISCOE**, Chief Judge, **BALDOCK** and **TYMKOVICH**, Circuit Judges.

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The Supreme Court of Utah in McArthur v. State Farm Mut. Auto. Ins. Co., 2012 UT 22, \_\_\_ P.2d \_\_\_ (Utah 2012), has answered the two questions we previously certified to that Court pursuant to 10th Cir. R. 27.1 and Utah R. App. P. 41. Those answers resolve this appeal as a matter of law without the need of further factual inquiry by the district court. Accordingly, the judgment of the district court is

AFFIRMED.

Entered for the Court

Bobby R. Baldock  
United States Circuit Judge

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\* This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.